

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF EMERY COUNTY COMMISSIONERS
HELD IN THE EMERY COUNTY COURTHOUSE

OCTOBER 6, 2015

Present at the meeting was Commission Chairman Ethan Migliori, Commissioner Paul Cowley, Commissioner Keith Brady, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 238014 through and including # 238177 was presented for payment.

Requisitions were presented for the following:

| <u>REQUISITION</u> | <u>DESCRIPTION</u> | <u>AMOUNT</u> |
|--------------------|--|---------------|
| 45-15 | Jail Computer w/3 year support Sheriff | \$1,531.27 |
| 46-15 | Air Conditioner/Green River Comm. Site Sheriff/Communications | \$3,395.00 |
| 47-15 | 10 Radios for new vehicles Sheriff | \$9,378.00 |
| 48-15 | 24" Trailer/Green River Highway | \$9,399.00 |
| 49-15 | 20 Patrol Computers (Toughbooks) Sheriff | \$35,480.40 |
| 50-15 | 11 Kenwood Radios Ambulance | \$7,396.20 |
| 51-15 | Meter and Regulator for new fuel system Huntington Airport | \$5,334.00 |

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Dispositions were presented for the following:

621-8137, 1986 Ford F-150, 621-5393 Polaris Big Boss 4X6, 621-6613,6614, 1995 JD Gator 4x6, 621-4563, Herbicide sprayer, 621-4562, Herbicide Sprayer, 621-6725, Poulan chain saw 15", 621-8610, 18" chain saw/gas, 621-6726, chain saw 18", 621-2750, Stihl power saw, 18" Poulan chain saw.

(2)

RATIFICATION OF ROY PFANDER'S APPOINTMENT AS GREEN RIVER CITY'S REPRESENTATIVE ON THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED SEPTEMBER 15, 2015.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Keith Brady, and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

(2)

EMPLOYEE OF THE MONTH

Postponed

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(3)

SKIP MCDONNELL, ELECTRICAL CONSULTANTS, INC. INTRODUCTION TO WHAT
ECI DOES AND HOW ECI COULD BENEFIT EMERY COUNTY.

Skip McDonnell, Project Development for Electrical Consultants, Inc., a leading electrical engineering consulting firm headquartered in Billings, Montana with over 25 years experience in a wide range of utility/industrial power system design from 600 volt through 500 kV, as well as communication system designs. ECI employs nearly 400 experienced engineers, designers, project managers, technicians, field personnel and support staff with offices located from coast to coast. ECI ranks among the largest of U.S. firms specializing in transmission and distribution engineering services other than power generation. They are currently working in the Uintah Basin on the U.S. Oil Sands Facility process. Mr. McDonnell indicated that he was here today to introduce the firm's professional services and make the Commissioners aware of the services that his firm can provide.

(4)

OPENING AND REVIEW REQUESTS FOR PROPOSALS FOR LICENSED CONTRACTOR
TO SECURE EXTERIOR OF THE EMERY COUNTY COURTHOUSE TO PREVENT BAT
ROOSTING . CONSIDERATION AND APPROVAL TO ENTER INTO A CONTRACT FOR
SERVICES.

Commissioner Migliori stated that there were no bids turned in for this project. The Commissioners will reach out to local contractors to see what they can do to help secure the exterior of the building to prevent bats roosting in the building.

(5)

OPEN AND REVIEW REQUEST FOR PROPOSALS FROM QUALIFIED ACCOUNTING
FIRMS TO PERFORM THE EMERY COUNTY ANNUAL INDEPENDENT AUDIT AS
WELL AS THE SPECIAL SERVICE DISTRICTS. DISCUSSION AND POSSIBLE
APPROVAL OF ENTERING INTO A CONTRACT FOR SERVICES.

Bids were opened and read aloud. The bids were from the following accounting firms qualified to perform the Emery County annual independent audit as well as the Special Service District's audits.

- 1) Larsen, CPA
- 2) Carver, Florek, and James, CPA
- 3) Smuin, Rich and Marsing, CPA
- 4) Hawkins, Cloward, and Simister, CPA, LC
- 5) Kimball and Roberts, CPA

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Commissioner Keith Brady made a motion to have the Commissioners review the bids with Brenda Tuttle, Clerk/Auditor, and Steve Barton, Treasurer to determine the lowest bid. The motion was seconded by Commissioner Paul Cowley. The motion passed. The term of the contract will be for 5 years.

(6)

DISCUSSION OF CLEVELAND LIBRARY PARKING LOT PROJECT AND APPROVAL OF LIQUIDATED DAMAGE ASSESSMENT.

Commissioner Migliori explained that the bid for the Cleveland Library Parking Lot Project was awarded to Nielson Construction. The contractual completion date for the project was August 24, 2015. Substantial completion on the project was issued 26 days after the contractually obligated completion date. This triggered the liquidated damage clause in the contract assessing \$1,000.00 per day for a total of \$26,000.00. The Commissioners met with Nielson's Project Manager, Steve Ogden to discuss some options. Steve addressed the Commissioners to discuss a solution to the situation. Mr. Ogden proposed adding a sprinkling system and sod to the back yard of the Cleveland Library to help show good faith for both parties involved. Nielson's felt that something should be given back to the county for their oversight. Carole Larsen, Library Director stated that she had no problem with having Nielson's Construction complete the back yard work in-lieu of paying damages. They discussed when would be the best time to do the sodding due to the fact that the water will soon be turned off and the sod may get winter kill if done now. Mr. Ogden indicated that they will probably contract the work out to Ward's Landscaping so he will ask them their advise on the sod. Commissioner Paul Cowley made a motion to accept Nielson Construction's proposal to complete the work to be done on the back yard of the Cleveland Library in accordance with J&T's specifications. The motion was seconded by Commissioner Keith Brady. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF CONTRACT WITH BLM UT-STATE OFFICE AND EMERY COUNTY FOR LAW ENFORCEMENT SERVICES 09/15/2015- 09/14/2016 AS OUTLINED AND ASSOCIATED PAPERWORK.

Sheriff Greg Funk stated he was pleased with the contract because the terms of the contract will reimburse the county \$36.00 per hour for a deputy to cover the specific dates and areas as listed in the contract. This amount is higher than in years past and will actually cover the cost to provide the service. Commissioner Keith Brady made a motion to approve of a contract with BLM UT-State Office and Emery County for law enforcement services 09/15/2015 - 09/14/2016 as outlined and associated paperwork. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(8)

CONSIDERATION AND APPROVAL OF PERSONAL PROPERTY BUSINESS
EXEMPTIONS.

Nadine Thompson, Emery County Assessor's Office presented the 2015 Personal Property Business Exemptions for approval. Businesses with less than \$10,200.00 in taxable value are eligible for the exemption. She explained that the businesses listed all meet the criteria for exemption. Commissioner Paul Cowley made a motion to approve the Personal Property Business Exemptions for 2015 as presented. The motion was seconded by Commissioner Keith Brady. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF GRANT APPLICATION TO UTAH DIVISION OF
STATE HISTORY FOR UTAH CEMETERY INVENTORY PROJECT FOR ANTIMONY,
HIAWATHA, AURORA, AXTELL, AND HOWES BY EMERY COUNTY ARCHIVES.

In the past Bernice Payne has done a Utah Cemetery Inventory Project funded through the Utah Division of State History by way of the Emery County Archives Department. State History has now asked Ms. Payne to inventory cemeteries in Antimony, Hiawatha, Aurora, Axtell and Howes. The Commission was hesitant to approve this project due to the fact that none of these cemeteries are in Emery County. However, there is no monetary obligation by Emery County. The grant from Utah Division of State History is for \$5,400.00 with a 50% match which Bernice Payne will be matching with her time. The requested amount from the grant is \$2,700.00. Commissioner Paul Cowley made a motion to approve of a grant application to Utah Division of State History for Utah Cemetery Inventory Project for Antimony, Hiawatha, Aurora, Axtell and Howes by Emery County Archives. The motion was seconded by Commissioner Keith Brady. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF PRESERVATION AGREEMENT BETWEEN
UTAH DIVISION OF STATE HISTORY AND EMERY COUNTY FOR THE SWINGING
BRIDGE PROJECT.

In order for the county to get paid for this project the paperwork needed to be signed and sent in before this meeting. Therefore, Commissioner Keith Brady made a motion to ratify the signing of a Preservation Agreement between Utah Division of State History and Emery County for the Swinging Bridge Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(11)

CONSIDERATION AND APPROVAL OF COMMUNICATIONS USE SITE INVENTORY FOR FOREST SERVICE AND BLM.

All lease/grant holders of authorizations for communications use facilities located on public lands, are required to submit a certified statement to the BLM each year listing the holder's communication uses, any occupants in the holder's facility and the type of communications use for each occupant as of September 30 of each year. Bret Mills, Communications had this information readily available. The certification form is ready to be signed. Commissioner Keith Brady made a motion to approve of Communications Use Site Inventory for Forest Service and BLM. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(12)

CONSIDERATION AND APPROVAL OF RESOLUTION OF APPOINTMENT OF A EMERY COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING.

Commissioner Keith Brady made a motion to approve Resolution 10-6-15A appointing Mary Huntington as Emery County Representative and Mike Olsen as Alternate Representative for the Utah Counties Indemnity Pool Annual Membership Meeting and appoint Leslie Bolinder as a backup representative. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(13)

CONSIDERATION AND APPROVAL FOR FY2016 BUDGET WORK SESSIONS.

Commissioner Paul Cowley made a motion to set October 13th from 9am until 12pm, October 20th from 9am until 11 am, and October 21st from 9am until 12pm for FY2016 Budget Work Sessions. The motion was seconded by Commissioner Keith Brady. The motion passed.

(14)

CONSIDERATION AND APPROVAL OF APPLICATION FOR RIGHT-OF-WAY FOR THE PURPOSE OF CONSTRUCTING A FENCE LINE PARALLEL TO CR#212.

Emery County wishes to acquire a right-of-way for the purpose of constructing a fence line parallel to the Emery County Road #212. The ROW will be within an existing ROW the county has for the roadway. The fence will be located near the edge of the ROW, will go from SR-24 to the intersection of CR-2012 and 2014, and is 53,460 feet/10.13 miles in length. Emery County

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requested the ROW be granted in perpetuity. The fence project is funded through the State of Utah, Division of Facilities, Construction and Maintenance; and Utah Grazing Improvement Project, the fence will be installed under contract and maintained by the grazing permittee. Cattle guards will be installed and maintained by the Emery County Road Department. Commissioner Keith Brady made a motion to approve application for ROW for the purpose of constructing a fence line parallel to CR#212 also known as the Goblin Valley Fence Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(15)

CONSIDERATION AND APPROVAL OF EMERY COUNTY LIBRARY BREAK AND LUNCH POLICY.

Commissioner Paul Cowley made a motion to approve of Emery County Library Break and Lunch Policy. The motion was seconded by Commissioner Keith Brady. The motion passed.

(16)

CONSIDERATION AND APPROVAL OF RESOLUTION ESTABLISHING A PROCEDURE TO MANDATE EMERY COUNTY EMPLOYEES TO USE DIRECT DEPOSIT FOR PAYROLL PURPOSES.

Emery County has more than 100 employees on the Emery County payroll. Nearly all employees have their payroll checks electronically deposited. Payroll checks, electronically deposited, are being deposited on time, correctly, and confidentially. It is confidential and secure. It will save the county time and money by reducing the paper costs and reducing costs associated with re-issuing lost or stolen checks. Emery County has a few employees currently not taking advantage of direct deposit. These are mostly EMT's. If approved, this mandate will allow those employees who do not currently have their payroll checks deposited electronically until October 30, 2015 to set up an account with their financial institution to receive such deposits. Employees will not be able to acquire their paychecks by any other method. Commissioner Keith Brady made a motion to approve Resolution 10-6-15B establishing a procedure to mandate Emery County employees to use direct deposit for payroll purposes. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(17)

COMMISSION/ELECTED OFFICIALS REPORT.

Commissioner Migliori

Commissioner Migliori reported on a recent tour with State Legislators to Emery County. He

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has since had many follow-up calls from representatives regarding centrally assessed taxes. They also asked for suggestions on additional places to visit in Emery County. He reported on conversations regarding Emery County's Public Lands Initiative. He attended a Millsite Dam Reconstruction public hearing meeting. This is a 28 million dollar project that is still moving forward. There will be several more public hearings coming up. Melon Days and Peach Days were good events for the county. Economic Development has a few projects they are moving forward with.

Commissioner Brady

Commissioner Brady reported on attending NACO meetings/workshops in West Jordan. He reported on meeting with other coal relying counties regarding goals and keeping the goals moving forward. At the recent BEAR meeting in Price, Tina Carter and Jordan Leonard made excellent presentations.

Commissioner Cowley

Commissioner Cowley reported on his experience on the State Legislative tour in Emery County. He talked about how many were impressed with the area and clean air. He indicated that he hoped good things would come from this visit.

(18)

ADJOURNMENT

The meeting was adjourned.

ATTEST:_____ COMMISSIONER:_____